

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYRONE GREEN,
Petitioner,

v.

WILLIAM J. WOLFE, *et al.*,
Respondents.

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CIVIL ACTION NO. 03-CV-6879

ORDER

AND NOW, this 3rd day of December, 2021, in consideration of Petitioner Tyrone Green's Motion for Leave to File a motion pursuant to Rule 60(b) (ECF No. 60), his Petition for Rehearing (ECF No. 61), his Affidavits, Exhibits, Appendices, and Transcripts submitted in support of his Motion (ECF No. 63), and his Motion for the Appointment of Counsel (ECF No. 64), it is **ORDERED** that:

1. The Motion for Leave to File (ECF No. 60) is denied without prejudice to Green's right to submit his claims to the United States Court of Appeals for the Third Circuit in an application to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A), because this Court does not have subject matter jurisdiction to review a Motion that submits a new claim for relief that is submitted in a motion to reopen judgment.

2. The Motion for the Appointment of Counsel (ECF No. 64) is **DENIED** as moot.

3. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Gerald Austin McHugh
GERALD A. MCHUGH, J.